

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TAYLOR L. BENNETT,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent,

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No. 4:14CV1438 RWS

MEMORANDUM AND ORDER

This matter is before me on movant's motion for leave to proceed in forma pauperis and for review of her motion to vacate, set aside, or correct sentence under Rule 4 of the Rules Governing § 2255 Proceedings.

Movant brings four grounds for relief. Grounds 1 through 3 are Fourth Amendment claims alleging that her arrest and the search of her backpack were unlawful. Ground 4 asserts that counsel was ineffective for failing to file a motion to suppress evidence. Fourth Amendment claims are not cognizable in § 2255 proceedings. See Stone v. Powell, 428 U.S. 465, 494 (1976); Ray v. United States, 721 F.3d 758, 762 (6th Cir. 2013) ("free-standing Fourth Amendment claims cannot be raised in collateral proceedings under either § 2254 or § 2255."). Additionally, in her plea agreement, movant waived the right to bring any § 2255 claims except for ineffective assistance of counsel or prosecutorial misconduct. As a result, grounds 1 through 3 are dismissed.

Accordingly,

IT IS HEREBY ORDERED that movant's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that Grounds 1, 2, and 3 of the motion to vacate are **DISMISSED**.

Dated this 25th day of August, 2014.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE